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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-seventh session
Agenda item 14

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Mr. Bengoa, Mr. Boutkevitch, Mr. Chernichenko, Mr. El-Hajjé, Mr. Hatano and Ms. Mbonu: draft resolution

1995/.. Permanent forum in the United Nations for indigenous people

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Bearing in mind the recommendation contained in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights that the establishment of a permanent forum for indigenous people in the United Nations system should be considered (A/CONF.157/23, para. II.32),

Recalling General Assembly resolution 48/163 of 21 December 1993 and Commission on Human Rights resolution 1995/30 of 3 March 1995,

Noting the report of the workshop held in accordance with Commission resolution 1995/30 (E/CN.4/Sub.2/AC.4/1995/7) and the views expressed by Governments (E/CN.4/Sub.2/AC.4/1995/7/Add.1) and indigenous organizations (E/CN.4/Sub.2/AC.4/1995/7/Add.3) and the note of the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene Daes (see E/CN.4/Sub.2/AC.4/1995/7/Add.2),

Taking into account the comments and suggestions of participants at the thirteenth session of the Working Group on Indigenous Populations,

1. Welcomes the request to the Commission on Human Rights by the General Assembly in its resolution 48/163 of 21 December 1993 to give priority consideration to the establishment of a permanent forum for indigenous people in the United Nations system;

2. Requests the Secretary-General to transmit the report of the workshop on the permanent forum for indigenous people (E/CN.4/Sub.2/AC.4/1995/7) to Governments and intergovernmental and indigenous organizations inviting them to express their views concerning the establishment of a permanent forum for indigenous people and to report on the comments and suggestions received to the Working Group on Indigenous Populations at its fourteenth session;

3. Also requests the Secretary-General to review existing mechanisms, procedures and programmes within the United Nations for promotion and coordination of the rights of indigenous people;

4. Recommends that the future permanent forum be established in the early part of the International Decade for the World's Indigenous People and that its mandate should include questions relating to human rights, development, the environment, health, education and culture;

5. Also recommends that the membership of the future permanent forum consist of independent experts as well as representatives of Governments and indigenous organizations and, subject to its being open to non-members, that it also be open to representatives of indigenous organizations without regard to consultative status;

6. Further recommends that the Centre for Human Rights organize a second workshop on a possible permanent forum for indigenous people with the

participation of independent experts as well as representatives of Governments, indigenous organizations and United Nations bodies and specialized agencies;

7. Decides to recommend to the Commission on Human Rights the following draft decision:

"The Commission on Human Rights, noting resolution ... of ... of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation that the Centre for Human Rights organize a second workshop on a possible permanent forum for indigenous people with the participation of independent experts and representatives of Governments, indigenous organizations and United Nations bodies and specialized agencies, and requests the Secretary-General to prepare a review of existing mechanisms, procedures and programmes for coordination and promotion of the rights of indigenous people within the United Nations to be submitted as a background document for the proposed second workshop."

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Forty-seventh session
Agenda item 8

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Joinet, Mr. Ramadhane,
Mrs. Warzazi and Mr. Yimer: draft resolution

1995/... Human rights and income distribution

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

Mindful that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and a wide range of additional texts provide unequivocally that all persons are entitled to the full realization of economic, social and cultural rights,

Taking note of the Declaration on the Right to Development (General Assembly resolution 41/128 of 4 December 1986, annex),

Recalling paragraph I.10 of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights, inter alia, reaffirmed the right to development as a universal and inalienable right and an integral part of human rights, and urged States and the

international community to promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Taking particular account of the results of the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995 (A/CONF.166/9), especially the recommendations of its Programme of Action concerning the United Nations system, inter alia, that United Nations operational activities for development should be strengthened in order to implement the Summit outcome, and that the United Nations system's capacity for gathering and analysing information and developing indicators of social development should be strengthened, taking into account the work carried out by different countries, in particular by developing countries (para. 99 (e)),

Aware that all States have legally binding obligations to respect, protect and fulfil economic, social and cultural rights,

Convinced that education plays a fundamental role for the exercise of human rights and for providing equality of opportunity for all,

Recalling the reports of the Special Rapporteur on the realization of economic, social and cultural rights, Mr. Danilo Türk, in particular his final report, which addressed a range of issues concerning the relationship between the enjoyment of human rights and income distribution (E/CN.4/Sub.2/1992/16, paras. 76-84),

Taking account of Mr. Asbjørn Eide's preparatory document on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution (E/CN.4/Sub.2/1994/21), the reports submitted by the Special Rapporteur on human rights and extreme poverty, Mr. Leandro Despouy (E/CN.4/Sub.2/1993/16, E/CN.4/Sub.2/1994/19 and E/CN.4/Sub.2/1995/15), and the report of the New York seminar (E/CN.4/1995/101),

Also taking account of its resolution 1994/40, in which it entrusted the Special Rapporteur, Mr. José Bengoa, with the preparation of a study on the enjoyment of human rights and income distribution, Commission on Human Rights decision 1995/105 approving the appointment and the Economic and Social Council resolution of July 1995 confirming that decision,

Concerned that the implementation of economic, social and cultural rights in general and the right to education in particular have not yet received sufficient attention within the United Nations human rights framework,

Aware that the relationship between income distribution and growing levels of poverty, as well as the violation of human rights, requires further in-depth research and analysis by the human rights community,

Reiterating the fundamental principles of equality of opportunity, human dignity, equity and justice,

Affirming the inherent linkages between the enjoyment of all human rights, in particular economic, social and cultural rights, and the striving towards a more equitable distribution of economic resources both within and between nations,

Acknowledging that income disparity causes inequalities, especially among children, women and other vulnerable groups of society, who are discriminated against and denied the right to the same opportunities as the rest of the population,

Bearing in mind that it is necessary to analyse and overcome the obstacles that prevent societies from achieving greater equality of opportunity and better income distribution,

Considering that better income distribution would lead to more integrated and mutually supportive societies and, at the international level, to better conditions for maintaining world peace,

1. Welcomes the preliminary report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, prepared by the Special Rapporteur, Mr. José Bengoa (E/CN.4/Sub.2/1995/14);

2. Endorses the conclusion initially established in the preparatory document prepared by Mr. Eide and repeated in Mr. Bengoa's preliminary report, to the effect that the concentration of wealth constitutes a serious obstacle to the realization of human rights, be they economic, social, cultural, political or civil, and that equality of opportunity is an essential element for participating effectively in the process of development and for obtaining a just share of the benefits from it;

3. Expresses its agreement with the work plan presented in the preliminary report, especially the suggestion that the outcome of the Copenhagen Summit for Social Development should be taken into account and followed up and encouragement given to the discussions needed for the complete and rapid achievement of its objectives;

4. Requests the Special Rapporteur to pay particular attention to the impact of the enjoyment of human rights, and that of the right to education in particular, on income distribution;

5. Also requests the Special Rapporteur to take special care to analyse the indicators needed for the gradual full satisfaction of economic, social and cultural rights;

6. Requests the Secretary-General to invite Governments, United Nations bodies, the specialized agencies and intergovernmental and non-governmental organizations to provide the Special Rapporteur with information relevant to the preparation of his report and urges them to participate actively in the work of the Sub-Commission;

7. Also requests the Secretary-General to provide the Special Rapporteur with all the assistance he may require for the preparation of his study;

8. Requests the Special Rapporteur to submit a second progress report to the Sub-Commission at its forty-eighth session and a final report at its forty-ninth session.